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SUBJECT: CHILD LABOR UPDATE: GUATEMALA

REF: A. SECSTATE 163453

[B](#). 03 GUATEMAL 02108

[C](#). 02 GUATEMALA 2682

[1](#)1. Summary: Significant child labor developments in Guatemala over the past year include the introduction in Congress of legislation raising the minimum age to work and NGO efforts to help children leave the fireworks industry for less hazardous jobs. ILO-IPEC programs launched since 2001 aim to eliminate child labor in agriculture, one of the mayor industries for child labor. The Interamerican Commission on Human Rights noted that, with ILO-IPEC backing, the GOG offered scholarships and free meals in late 2003 to encourage families to send children to school instead of into the work force. US DOL is also providing almost \$8.3 million in grants to eliminate child labor in the agriculture sector and fireworks industry. Still an ILO-IPEC report on child labor in Guatemala, released in July 2004, reveals that 23.8% of children between ages 10-14 participate in the workforce. End Summary

Legislation introduced on minimum age to work

[1](#)2. On November 19, 2003, then-President Alfonso Portillo sent Congress legislation to approve ILO Convention 138 on the minimum age for employment. Once approved, the new law will raise the minimum age for employment from 14 to 15 years old. The bill stipulates that children under 14 can only work under extraordinary circumstances. If the source of employment involved hazardous conditions or questionable morality (i.e. prostitution, which is legal in Guatemala), minimum age would be 18.

[1](#)3. These regulations are especially applicable in mines, gravel production factories, sweatshops, construction sites, electricity, gas and water supplier businesses, warehouses, agriculture activities and transportation. The bill is still in the Congressional Foreign Affairs Committee.

ILO-IPEC programs to eradicate child labor in Guatemala

[1](#)4. From September 2003 to June 2005, an ILO-IPEC project is working to prevent and eradicate child labor in the fireworks industry in San Juan and San Raymundo, Guatemala. The objective involves persuading children and teenagers to stay in school and launching community projects to help families avoid resorting to putting their children to work.

[1](#)5. Another ILO-IPEC project, which runs from September 2001 to November 2004, focuses on eradicating child labor in gravel production in Retalhuleu. An ILO-IPEC project, spanning from October 2000 to December 2003, was designed to eliminate child labor in broccoli production in Baja Verapaz by providing the children with education and other alternatives to work. The coffee sector is also being covered by a similar project.

Children, major work force in firecracker industry

[1](#)6. In 2004, the Ministry of Labor approved a set of technical safety regulations to operate fireworks factories. The norms will go into effect in 2005. The Ministry of Education also initiated a program to facilitate educational materials for minors who do not attend school and are employed in fireworks factories.

[1](#)7. Children of seven years of age and younger are still employed in fireworks factories, many of which are underground firms. One case reported by AFP indicates that some of these children study in the morning and work in the afternoon (though most work fulltime). According to Boris Galvan, coordinator for the Integral Support Association (ASI), a child could earn a total of \$6.40 dollars per week working part-time and producing 25 pounds of firecrackers a week.

[1](#)8. According to press reports, this business is profitable for employers, generating approximately \$4 million USD a year, but dangerous for employees. Galvan states that most children work fulltime, and estimates that some 30 children

die each year in incidents related to fireworks manufacturing.

19. In San Juan Sacatepequez, 50 kilometers from Guatemala City, an estimated 3,500 homes (mostly indigenous households with five to six children) serve as workshops where some 10,000 people (including 5,000 children, according to some NGOs) manufacture fireworks. Many work on 12-hour shifts, or longer, because they are paid per product, not by the hour. However, Galvan pointed out the success of ASI in persuading at least 400 families since late 2001 to abandon this business and to engage in less hazardous productive activities, after helping them gain access to small loans with ILO support.

110. Other press reports indicate that only 46 fireworks producers are legally registered, an estimated 1.31 per cent of all operating factories. In factories, minors are exposed to toxic, flammable, and explosive materials, aside from poor hygiene and safety conditions.

IACHR highlights GOG,s efforts to fight child labor

111. In its 2003 country report, the Interamerican Commission on Human Rights (IACHR) noted that, with ILO-IPEC backing, the GOG offered scholarships and free meals in 2003 and 2004 to encourage families to send children who had formerly worked in broccoli, coffee, gravel and fireworks industries to school instead of into the work force (in San Marcos, Retalhuleu, and other municipalities). The GOG did not provide the IACHR with the number of children benefited by this plan. Minors engaged in child labor attend school an average of 1.78 years, which is half the average for the children who are not employed. According to the Ministry of Education, 89% of children from ages 7-12 attended public school in 2003. However, only 30% of children 13-15 and 16% of children 16-18 were registered in the public school system.

112. In 2003, the Ministry of Labor, along with other state institutions and NGOs, joined the National Network to Eliminate Child Labor in Dangerous Work Environments. However, the IACHR noted in December 2003 that the GOG does not fully comply with internal legislation or international agreements.

113. In 2003, the GOG launched the Educational Program for Working Boys and Girls (PENNAT) in markets, parks, and streets in both urban and rural areas. As part of this program, the Ministry of Education distributes educational/teaching materials to working children on topics normally covered in primary school.

USDOL grants aimed at eliminating child labor

114. In FY 2003, US DOL provided \$3 million to the ILO/IPEC to carry out a project in Guatemala and other Central American countries to combat child labor in the agricultural sector.

115. In FY 2003, the US DOL provided \$307,000 to ILO/IPEC to implement phase II of a project targeting children working in the fireworks industry in Guatemala.

116. With FY 2003 funds, and through the Child Labor Education Initiative grant program, USDOL is exploring the possibility of funding a \$5 million USD regional project aimed at providing basic, prevocational, vocational, and technical education to children working or at-risk of working in the worst forms of child labor. The regional program included Guatemala, among other Central American countries. The allocation of funds per country will depend on the individual needs of each country. USDOL anticipates funding this project by September 30, 2004.

117. Letters conveying DOL's interest in this regional project were sent to the Ministers of Education and Labor in Central America. A DOL representative visited Guatemala in October 2003 to meet with Ministry of Education and Labor officials to discuss this possible project. The GOG expressed interest in this project.

Much Remains To Be Done

118. An ILO study indicates that 23.8% of Guatemalan children between ages 10 to 14 are employed. Bruce Harris, head of Casa Alianza, indicates that official Guatemalan GDP figures rest on results produced by a workforce that includes children as young as 12 years old.

119. In July 2004, the ILO-IPEC (International Labor Organization-International Program on the Elimination of Child Labor) published the results of the Child Labor Survey

in Guatemala covering statistics compiled from July to December 2000. According to the ILO's data, 23.4% of children aged 5-17 years work (a total of 937,530 children). The survey notes that 91.7% of working children claim that they began working before they turned 15 years old. Seventy three per cent of working children live in rural areas. The agricultural, hunting, forestry and fishing industries include 55.8% of child labor. Working children spend an average of 39.6 hours per week at work. Children engaged in child labor have a school non-attendance rate of 54%.

HAMILTON